



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 1**  
**5 Post Office Square – Suite 100**  
**BOSTON, MA 02109-3912**

**URGENT LEGAL MATTER – PROMPT ATTENTION REQUIRED**  
**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

November 14, 2016

Mr. Douglas Nelson, Sr.  
Nelson Farms, Inc.  
P.O. Box 1437  
Derby Line, VT 05830

**Re: Request for Information Pursuant to Section 308 of the Clean Water Act**

Dear Mr. Nelson:

This letter concerns the work performed on your property off of Route 14 and Under the Hill Road in Irasburg, Vermont, as depicted on Irasburg property map numbers 8 and 5 and the attached aerial photograph and herein referred to as the "Site". EPA has recently learned that a significant area of forested land at the Site has been clear cut. A review of aerial photography indicates that the Site has also been grubbed, and filled, tilled, and/or plowed for conversion to, what appears to be, agricultural fields. A review of several sources of mapping data and aerial photographs, indicate that some of this work may have resulted in the discharge and redeposit of soil and/or other dredged or fill materials into wetlands. By this letter, EPA seeks information concerning your involvement in discharge activities that may have impacted wetlands at the Site.

Under the provisions of the federal Clean Water Act (the "Act"), 33 U.S.C. § 1251 *et seq.*, the discharge of pollutants (in this case soil and/or other dredged and fill material) into waters of the United States, including most wetlands, is unlawful except as authorized by, among other things, a permit issued pursuant to Section 404 of the Act, 33 U.S.C § 1344. A federal permit is required under Section 404 of the Act for those activities which discharge dredged or fill material into the waters of the United States, including most wetlands. The Corps is responsible for accepting applications for and issuing or denying permits to perform such work, while EPA reviews and comments on permit applications received by the Corps. Both agencies share enforcement responsibilities under the Act, which provides administrative and judicial penalties for violations.


pesticides, soils, or other substances. Provide copies of all contracts, invoices or forms of proof of payment you have, or have had, with each vendor, contractor, and subcontractor related to the placement or relocation of dredged or fill material or other substances at the Site. State the acreage of wetlands directly impacted as a result of dredge or fill activities;

- 6) Provide a list of all consultants, contractors, and subcontractors (including their names, mailing addresses, and telephone numbers) who performed work at the Site since January 1, 2010. Identify all persons (including their names, mailing addresses, and telephone numbers) who directed work at the Site, including work in wetlands;
- 7) Provide copies of all contracts, invoices, or forms of proof of payment you have, or have had, with the consultants, contractors, and subcontractors listed in Question #6 above. If no contracts or related paper work exist, describe your business arrangement with each consultant, contractor, and subcontractor relative to work at the Site;
- 8) Identify all types of equipment used to excavate or move soil material within the wetlands. State the names and addresses of the owners and operators of the equipment for all construction activities occurring at the Site;
- 9) Please describe how surface waters drain[ed] from the Site both before and after the work performed on the Site since January 1, 2010. State whether drainage tiles and/or pipes have been installed, ditches have been constructed, or any other measures have been taken at any time to facilitate drainage. Provide copies of all contracts, invoices, or forms of proof of payment you have, or have had, with consultants, vendors, contractors, and subcontractors related to the installment of tiles and/or pipes, the construction of ditches, and/or any other measures taken to facilitate drainage;
- 10) Provide copies of all written and electronic correspondence, including but not limited to any permits or applications for permits, with any local, state, or federal government agency pertaining to the placement, retention, or removal of dredged and/or fill material into wetlands. In addition, provide all written and electronic correspondence pertaining to any other work occurring in wetlands at the Site;
- 11) If you have had any verbal communications with any local, state, or federal government agency, pertaining to the placement, retention, or removal of dredged and/or fill material, or to any other work occurring in the wetlands at the Site, please describe them, identifying all persons involved, the date of such communications, and the substance of the communications;
- 12) State your current and future plans for the Site;



5 Post Office Square, Suite 100, Mail Code OES04-1, Boston, Massachusetts 02109-3912. If you have any questions concerning the required information, please contact Denise Leonard of my staff at (617) 918-1719.

Sincerely,



James Chow, Manager – Technical Enforcement Office  
Office of Environmental Stewardship

Attachments:      Aerial photo/ NRCS Soils map/ National Wetlands Inventory map  
                         Small business information sheet  
                         Business confidentiality information  
                         Declaration – Agent Certification

cc w/attachments

Michael Adams  
U.S. Army Corps of Engineers  
Vermont Project Office  
8 Carmichael Street, Suite 205  
Essex Junction, VT 05452

Laura LaPierre  
VT DEC Water Quality Division – Wetlands Section  
103 South Main Street, - Bldg 10N  
Waterbury, VT 05671-0408

David Blodgett  
USDA - NRCS  
59 Waterfront Plaza, Suite 11  
Newport, VT 05855

U.S F&W Service  
70 Commercial Street,  
Concord, NH 03301-5087

✓ Margery Adams, Esq.  
U.S. EPA, Region 1 – New England

L. Brooke Dingleline, Esq.  
VDM Law  
172 N. Main Street, Ste. 301,  
P.O. Box 625  
Barre, VT 05641